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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

12 LATEACHEEAH G. ANDERSON SALVATTO,) Case No. CIV.S 04- 0163 WBS GGH  
13 and RICHARD SALVATTO, individually and as )  
14 Guardians for JAMAL THROWER, a minor, )  
15 )  
16 Plaintiffs, ) DECLARATION OF LATEACHEEAH  
17 ) SALVATTO IN SUPPORT OF MOTION  
18 vs. ) TO CONTINUE MOTION FOR  
19 ) SUMMARY JUDGMENT  
20 COUNTY OF SOLANO, CITY OF VALLEJO, )  
21 COUNTY OF SOLANO SHERIFF'S )  
22 DEPARTMENT, LIEUTENANT LIDDICOET, )  
OFFICER K. McCARTHY, VALLEJO POLICE )  
DEPARTMENT, WATCH COMMANDER K. )  
SCHROEDER, CORPORAL B. CLARK, )  
OFFICER WHITNEY, )  
Defendants. )  
/

I, LaTeacheeah Salvatto, declare:

25       1. I am the plaintiff in the above entitled action and, if called as a witness in this  
26 case, I can and will testify competently to the matters contained in this declaration based upon  
27 my personal knowledge.

2. In January 2003, I retained attorney Donald Beury to represent me in this civil action after he represented me in a criminal case that is the basis of this civil action. To my knowledge, Mr. Beury never conducted any discovery in my civil case, although I constantly asked him to do so and discussed with him various issues that needed to be discovered. On January 14, 2005, Mr. Beury wrote me and informed me that in his opinion, he thought that I had a great case. He requested money from me to pay for depositions. I continued to press him to conduct discovery, and he led me to believe that while the depositions had not yet been taken, that other forms of discovery were being conducted.

3. On August 30, 2005, I continued to press Mr. Beury on taking the depositions of the defendants. Mr. Beury stopped communicating with me. On September 15, 2005, I contacted Mr. Beury and paid him \$2,500 as costs for the depositions to be taken. I had also pressed him to perform the other aspects of discovery that we had discussed. I did not know at that time that discovery had been closed since August 8, 2005.

4. I met with attorney Jeffrey Fletcher on October 13, 2005, to discuss my case. I wanted Mr. Beury off my case because I believed that he was going to cause the case to be dismissed. Because I could not explain the full status of my case to Mr. Fletcher, the plan was to substitute myself *In Pro Per* and ask the court to allow Mr. Fletcher to substitute in as counsel, allow an amended complaint to be filed, and to re-open discovery.

5. After I concluded my meeting with Mr. Fletcher, I went to Mr. Buery's office to obtain my file and to sign a substitution of attorney. Mr. Buery refused to substitute out of the case and refused to give me my file or a copy of my file. He was totally uncooperative. I also sought the return of my \$2,500, but he said that he was too busy to pay me at that time.

6. On or about November 11, 2005, I received a letter from Mr. Beury stating that there was a motion for summary judgment and that he had forwarded the substitution of attorney to Mr. Fletcher.

7. I never committed a fraud or misrepresentation to Mr. Beury. The only time that Mr. Beury ever accused me of fraud or misrepresentation was after I obtained new counsel and it was clear that he took my money for the payment of the depositions after discovery had closed.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration is executed in Sacramento, California on December 5, 2005.

/s/ LaTeacheeah Salvatto  
LaTeacheeah Salvatto